

AMENDED IN SENATE MARCH 26, 2003

**SENATE BILL**

**No. 604**

**Introduced by Senator Perata**

February 20, 2003

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An act to amend ~~Section~~ *Sections 81008, 84101, 84103, 84108, 84203, 84204, and 84502* of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 604, as amended, Perata. ~~Cumulative contributions~~ *Political Reform Act of 1974.*

(1) *Under the existing Political Reform Act of 1974, on the Saturday preceding an election held on the first Tuesday after the first Monday in June or November in even-numbered years, campaign statements are required to be open for public inspection and reproduction at the offices of specified state and local agencies, including the Registrar of Voters of San Diego County.*

*This bill would instead require that the campaign records be open for inspection and reproduction on the Saturday preceding a statewide primary or statewide general election. The bill would delete the Registrar of Voters of San Diego County from the enumeration of local agencies subject to the requirement.*

(2) *Under existing law, the Political Reform Act of 1974 authorizes various methods for filing a statement of organization, amendments to a statement of organization, a statement of organization for a slate mailer organization, and late contribution reports.*

*This bill would add additional methods for filing, including facsimile transmission and guaranteed overnight delivery, and would delete filing by telegram.*

(3) The Political Reform Act of 1974 requires a disclosure statement in any advertisement for or against a ballot measure, identifying any person whose cumulative contributions to a committee are \$50,000 or more. It defines “cumulative contributions” as the cumulative contributions to a committee beginning the first day the statement of organization is filed and ending within 7 days of the time the advertisement is sent to the printer or broadcast station.

This bill would instead define “cumulative contributions” as the ~~aggregated contributions of each person to a committee during the period commencing January 1 of the year prior to the year in which the ballot measure is submitted to the voters~~ *cumulative amount of contributions received by a committee beginning 12 months prior to the date the committee made its first expenditure to qualify, support, or oppose the measure* and ending within 7 days of the time the advertisement is sent to the printer or broadcast station.

(4) Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on persons who violate the provisions of this bill.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(6) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes with a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.

(7) Proposition 208, an initiative measure approved by the voters at the November 5, 1996, statewide general election, makes the amendment provisions of the Political Reform Act applicable to the amendment of the initiative measure.

This bill, which would declare that it furthers the purposes of the Political Reform Act of 1974 and Proposition 208, would therefore require a  $\frac{2}{3}$  vote.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. *Section 81008 of the Government Code is amended to read:*

81008. (a) Every report and statement filed pursuant to this title is a public record open for public inspection and reproduction during regular business hours, commencing as soon as practicable, but in any event not later than the second business day following the day on which it was received. No conditions whatsoever shall be imposed upon persons desiring to inspect or reproduce reports and statements filed under this title, nor shall any information or identification be required from such persons. Copies shall be provided at a charge not to exceed ten cents (\$0.10) per page. In addition, the filing officer may charge a retrieval fee not to exceed five dollars (\$5) per request for copies of reports and statements which are five or more years old. A request for more than one report or statement or report and statement at the same time shall be considered a single request.

(b) Campaign statements shall be open for public inspection and reproduction from 9:00 a.m. to 5:00 p.m. on the Saturday preceding ~~an election held on the first Tuesday after the first Monday in June or November in even-numbered years~~ a statewide primary or statewide general election in the offices of Secretary of State, Registrar-Recorder of Los Angeles County, ~~Registrar of Voters of San Diego County~~ and Registrar of Voters of the City and County of San Francisco.

SEC. 2. *Section 84101 of the Government Code is amended to read:*

84101. (a) A committee that is a committee by virtue of subdivision (a) of Section 82013 shall file with the Secretary of State a statement of organization within 10 days after it has qualified as a committee. The committee shall file the original of the statement of organization with the Secretary of State and shall also file a copy of the statement of organization with the local filing officer, if any, with whom the committee is required to file the

1 originals of its campaign reports pursuant to Section 84215. The  
2 original and copy of the statement of organization shall be filed  
3 within 10 days after the committee has qualified as a committee.  
4 The Secretary of State shall assign a number to each committee  
5 that files a statement of organization and shall notify the  
6 committee of the number. The Secretary of State shall send a copy  
7 of statements filed pursuant to this section to the county elections  
8 official of each county which he or she deems appropriate. A  
9 county elections official who receives a copy of a statement of  
10 organization from the Secretary of State pursuant to this section  
11 shall send a copy of the statement to the clerk of each city in the  
12 county that he or she deems appropriate.

13 (b) In addition to filing the statement of organization as  
14 required by subdivision (a), if a committee qualifies as a  
15 committee under subdivision (a) of Section 82013 before the date  
16 of an election in connection with which the committee is required  
17 to file preelection statements, but after the closing date of the last  
18 campaign statement required to be filed before the election  
19 pursuant to Section 84200.7 or 84200.8, the committee shall file,  
20 by ~~telegram~~ *facsimile transmission, guaranteed overnight*  
21 *delivery*, or personal delivery within 24 hours of qualifying as a  
22 committee, the information required to be reported in the  
23 statement of organization. The information required by this  
24 subdivision shall be filed with the filing officer with whom the  
25 committee is required to file the originals of its campaign reports  
26 pursuant to Section 84215.

27 (c) If an independent expenditure committee qualifies as a  
28 committee pursuant to subdivision (a) of Section 82013 during the  
29 time period described in Section 82036.5 and makes independent  
30 expenditures of one thousand dollars (\$1,000) or more to support  
31 or oppose a candidate or candidates for office, the committee shall  
32 file by facsimile transmission, online transmission, ~~telegram~~  
33 *guaranteed overnight delivery*, or personal delivery within 24  
34 hours of qualifying as a committee, the information required to be  
35 reported in the statement of organization. The information  
36 required by this section shall be filed with the filing officer with  
37 whom the committee is required to file the original of its campaign  
38 reports pursuant to Section 84215, and to file at all locations  
39 required for the candidate or candidates supported or opposed by  
40 the independent expenditures. The filings required by this section



1 are in addition to filings that may be required by Sections 84203.5  
2 and 84204.

3 (d) For purposes of this section, in calculating whether one  
4 thousand dollars (\$1,000) in contributions has been received,  
5 payments for a filing fee or for a statement of qualifications to  
6 appear in a sample ballot shall not be included if these payments  
7 have been made from the candidate's personal funds.

8 *SEC. 3. Section 84103 of the Government Code is amended to*  
9 *read:*

10 84103. (a) Whenever there is a change in any of the  
11 information contained in a statement of organization, an  
12 amendment shall be filed within 10 days to reflect the change. The  
13 committee shall file the original of the amendment with the  
14 Secretary of State and shall also file a copy of the amendment with  
15 the local filing officer, if any, with whom the committee is required  
16 to file the originals of its campaign reports pursuant to Section  
17 84215.

18 (b) In addition to filing an amendment to a statement of  
19 organization as required by subdivision (a), a committee as  
20 defined in subdivision (a) of Section 82013 shall, by facsimile  
21 transmission, online transmission, ~~telegram~~ *guaranteed overnight*  
22 *delivery*, or personal delivery within 24 hours, notify the filing  
23 officer with whom it is required to file the originals of its campaign  
24 reports pursuant to Section 84215 when the change requiring the  
25 amendment occurs before the date of the election in connection  
26 with which the committee is required to file a preelection  
27 statement, but after the closing date of the last preelection  
28 statement required to be filed for the election pursuant to Section  
29 84200.7 or 84200.8, if any of the following information is  
30 changed:

31 (1) The name of the committee.

32 (2) The name of the treasurer or other principal officers.

33 (3) The name of any candidate or committee by which the  
34 committee is controlled or with which it acts jointly.

35 The notification shall include the changed information, the date  
36 of the change, the name of the person providing the notification,  
37 and the committee's name and identification number.

38 A committee may file a notification online only if the  
39 appropriate filing officer is capable of receiving the notification in  
40 that manner.

1     *SEC. 4. Section 84108 of the Government Code is amended to*  
2     *read:*

3     84108. (a) Every slate mailer organization shall comply with  
4     the requirements of Sections 84100, 84101, 84103, and 84104.

5     (b) The statement of organization of a slate mailer organization  
6     shall include:

7     (1) The name, street address, and telephone number of the  
8     organization. In the case of an individual or business entity that  
9     qualifies as a slate mailer organization, the name of the slate mailer  
10    organization shall include the name by which the individual or  
11    entity is identified for legal purposes. Whenever identification of  
12    a slate mailer organization is required by this title, the  
13    identification shall include the full name of the slate mailer  
14    organization as contained in its statement of organization.

15    (2) The full name, street address, and telephone number of the  
16    treasurer and other principal officers.

17    (3) The full name, street address, and telephone number of each  
18    person with final decisionmaking authority as to which candidates  
19    or measures will be supported or opposed in the organization's  
20    slate mailers.

21    (c) The statement of organization shall be filed with the  
22    Secretary of State within 10 days after the slate mailer organization  
23    receives or is promised five hundred dollars (\$500) or more for  
24    producing one or more slate mailers. However, if an entity  
25    qualifies as a slate mailer organization before the date of an  
26    election in which it is required to file preelection statements, but  
27    after the closing date of the last campaign statement required to be  
28    filed before the election pursuant to Section 84218, the slate mailer  
29    organization shall file with the Secretary of State, by ~~telegram~~  
30    *facsimile transmission, guaranteed overnight delivery*, or personal  
31    delivery within 24 hours of qualifying as a slate mailer  
32    organization, the information required to be reported in the  
33    statement of organization.

34    *SEC. 5. Section 84203 of the Government Code is amended to*  
35    *read:*

36    84203. (a) Each candidate or committee that makes or  
37    receives a late contribution, as defined in Section 82036, shall  
38    report the late contribution to each office with which the candidate  
39    or committee is required to file its next campaign statement  
40    pursuant to Section 84215. The candidate or committee that makes

1 the late contribution shall report his or her full name and street  
2 address and the full name and street address of the person to whom  
3 the late contribution has been made, the office sought if the  
4 recipient is a candidate, or the ballot measure number or letter if  
5 the recipient is a committee primarily formed to support or oppose  
6 a ballot measure, and the date and amount of the late contribution.  
7 The recipient of the late contribution shall report his or her full  
8 name and street address, the date and amount of the late  
9 contribution, and whether the contribution was made in the form  
10 of a loan. The recipient shall also report the full name of the  
11 contributor, his or her street address, occupation, and the name of  
12 his or her employer, or if self-employed, the name of the business.

13 (b) A late contribution shall be reported by facsimile  
14 transmission, ~~telegram~~, guaranteed overnight ~~mail through the~~  
15 ~~United States Postal Service~~ *delivery*, or personal delivery within  
16 24 hours of the time it is made in the case of the candidate or  
17 committee that makes the contribution and within 24 hours of the  
18 time it is received in the case of the recipient. A late contribution  
19 shall be reported on subsequent campaign statements without  
20 regard to reports filed pursuant to this section.

21 (c) A late contribution need not be reported nor shall it be  
22 deemed accepted if it is not cashed, negotiated, or deposited and  
23 is returned to the contributor within 24 hours of its receipt.

24 (d) A report filed pursuant to this section shall be in addition to  
25 any other campaign statement required to be filed by this chapter.

26 *SEC. 6. Section 84204 of the Government Code is amended to*  
27 *read:*

28 84204. (a) A committee that makes a late independent  
29 expenditure, as defined in Section 82036.5, shall report the late  
30 independent expenditure by facsimile transmission, ~~telegram~~,  
31 guaranteed overnight ~~mail through the United States Postal~~  
32 ~~Service~~ *delivery*, or personal delivery within 24 hours of the time  
33 it is made. A late independent expenditure shall be reported on  
34 subsequent campaign statements without regard to reports filed  
35 pursuant to this section.

36 (b) A committee that makes a late independent expenditure  
37 shall report its full name and street address, as well as the name,  
38 office, and district of the candidate if the report is related to a  
39 candidate, or if the report is related to a measure, the number or  
40 letter of the measure, the jurisdiction in which the measure is to be



1 voted upon, and the amount and the date, as well as a description  
2 of goods or services for which the late independent expenditure  
3 was made. In addition to the information required by this  
4 subdivision, a committee that makes a late independent  
5 expenditure shall include with its late independent expenditure  
6 report the information required by paragraphs (1) to (5), inclusive,  
7 of subdivision (f) of Section 84211, covering the period from the  
8 day after the closing date of the last campaign report filed to the  
9 date of the late independent expenditure, or if the committee has  
10 not previously filed a campaign statement, covering the period  
11 from the previous January 1 to the date of the late independent  
12 expenditure. No information required by paragraphs (1) to (5),  
13 inclusive, of subdivision (f) of Section 84211, that is required to  
14 be reported with a late independent expenditure report by this  
15 subdivision, is required to be reported on more than one late  
16 independent expenditure report.

17 (c) A committee that makes a late independent expenditure  
18 shall file a late independent expenditure report in the places where  
19 it would be required to file campaign statements under this article  
20 as if it were formed or existing primarily to support or oppose the  
21 candidate or measure for or against which it is making the late  
22 independent expenditure.

23 (d) A report filed pursuant to this section shall be in addition to  
24 any other campaign statement required to be filed by this article.

25 SEC. 7. Section 84502 of the Government Code is amended  
26 to read:

27 84502. “Cumulative contributions” means the ~~aggregated~~  
28 ~~contributions of each person to a committee during the period~~  
29 ~~commencing January 1 of the year prior to the year in which the~~  
30 ~~ballot measure is submitted to the voters~~ *cumulative amount of*  
31 *contributions received by a committee beginning 12 months prior*  
32 *to the date the committee made its first expenditure to qualify,*  
33 *support, or oppose the measure* and ending within seven days of  
34 the time the advertisement is sent to the printer or broadcast  
35 station.

36 ~~SEC. 2.~~

37 SEC. 8. No reimbursement is required by this act pursuant to  
38 Section 6 of Article XIII B of the California Constitution because  
39 the only costs that may be incurred by a local agency or school  
40 district will be incurred because this act creates a new crime or



1 infraction, eliminates a crime or infraction, or changes the penalty  
2 for a crime or infraction, within the meaning of Section 17556 of  
3 the Government Code, or changes the definition of a crime within  
4 the meaning of Section 6 of Article XIII B of the California  
5 Constitution.

6 ~~SEC. 3.~~

7 *SEC. 9.* The Legislature finds and declares that the provisions  
8 of this act further the purposes of both the Political Reform Act of  
9 1974 within the meaning of subdivision (a) of Section 81012 of the  
10 Government Code and Proposition 208 within the meaning of  
11 Section 45 of that measure.

12 ~~SEC. 4.~~

13 *SEC. 10.* This act is an urgency statute necessary for the  
14 immediate preservation of the public peace, health, or safety  
15 within the meaning of Article IV of the Constitution and shall go  
16 into immediate effect. The facts constituting the necessity are:

17 In order to ensure fair disclosure of campaign contributors to  
18 campaign committees as soon as possible, it is necessary that this  
19 act take effect immediately.

